

Court No. - 93

Case :- APPLICATION U/S 482 No. - 45086 of 2023

Applicant :- Bablu Hasmi

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Kalamuddin,M. A. Siddiqui

Counsel for Opposite Party :- G.A.

Hon'ble Manoj Bajaj,J.

Applicant- Bablu Hasmi is aggrieved against the order dated 08.08.2023 passed by Additional Principal Judge, Family Court Ist, Jaunpur in Case No.1289 of 2021, titled Ashum Bano vs. Bablu Hasmi, under Section 125 Code of Criminal Procedure, Police Station Madiyadoo, District Jaunpur, whereby the Family Court, Jaunpur has awarded interim monthly maintenance to the wife and son amounting to Rs.2500/- and 1500/-, respectively.

Learned counsel submits that the applicant was having no source of income and was aged 20 years when he got married in the year 2014 with opposite party no.1 and the claim raised by the wife is unjustified as the applicant is willing to keep the wife with himself. He submits that the applicant is earning only approximately Rs.4000-5000/- per month and is also taking care of his aged parents, therefore, the impugned order warrants interference, as the maintenance awarded is on higher side.

After hearing the learned counsel and considering his submissions, this Court finds that the Family Court

has carefully examined the material on record particularly the pleadings and stand of the parties and has awarded just maintenance in favour of the wife and son of the applicant.

During the course of hearing, it is fairly stated by the learned counsel that he did not file any affidavit revealing his income and even if, it is believed, that he has no source of income, the applicant cannot run away from his liability, who has taken a stand that his wife has always indulged in over expenditure. The impugned order does not suffer from any illegality or impropriety, therefore, this Court is not inclined to exercise the inherent powers u/s 482 Cr.P.C.

This application is dismissed.

Order Date :- 12.12.2023

Raj